

28 May 2003

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sent via e-mail: bpenning@energy.state.ca.us

re: Comments on February draft, Title 24, Section 10-113(a)

Dear Mr. Pennington:

## **Comment**

The final paragraph of Section 10-113 (a) – "Packaging for liquid applied roofing . . . (1000 h)." – should be deleted.

## Rationale

This requirement serves no public purpose, adds unnecessary expense and inconvenience without producing any public benefit, and is therefor arbitrary and capricious.

These parameters are not in any way related to the performance or durability of liquid applied roof coatings.

A vast range of products can be classified as "liquid applied roof coatings." The chemistry and physical properties of these products, and of their intended substrates, are so varied as to be uncomparable.

The listed properties are simply irrelevant to the quality / performance / durability of coatings in general. By way of example:

- A cementitious coating tends to have high tensile strength, low elongation, and ~zero recovery. Such a product can be extremely successful and durable over an appropriate rigid substrate, but would fail over others because of its brittleness.

- An acrylic coating intended for use on polyurethane foam, on the other hand, must have low tensile strength and very high elongation and recovery to avoid destroying the foam, yet might fail if applied to a concrete deck because of chemical attack.

Even within a narrow product category, these parameters are not correlated with the function or durability of the coating. The claims of raw material suppliers to the contrary notwithstanding, the performance of a coating does not depend on arbitrary laboratory parameters but on having a formulation optimized for the specific application (substrate, weather, etc.).

## 2 <u>Posting such numbers will cause confusion in the marketplace</u>.

The only credible purpose of placing these numbers on a product is to allow a consumer to compare products.

However, the user has no basis for using these values, even in a hypothetical context in which they are assumed to be meaningful. In the examples above, "good" products of different technologies will have completely opposite parameter values. Even within a narrow class of coatings, is a big number "good" or "bad"? How much is "enough"?

## 3 The requirement will add significant costs to coating manufacturers.

Besides the direct cost of measuring these arbitrary parameters for every coating product sold into the state, every manufacturer will have to redesign and reprint all of their labels (or worse, redo all of their lithographed containers). This is a substantial burden unjustified by any possible benefit to the consumer.

Moreover, this regulation consumes label space. Label space is an extremely precious commodity, as each manufacturer strives to fit a variety of statutory notices, regulatory warnings, code / rating approvals, and complete and thorough instructions for the correct use of the product into a limited area.

If you have any questions, please call me at (323) 908-5279.

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